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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,496	03/13/2001	Kenneth P. Hinckley	03797.00035	1373

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EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2629

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,496	HINCKLEY ET AL.	
	Examiner	Art Unit	
	Kevin M. Nguyen	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,8,10-15,18,19,21,26-30,33-36,48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7,8,10-15,18,19,21,26-30,33-36,48 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/05, 10/4/05, 3/29/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Response to amendment filed 03/29/2006, claims 1-4, 6, 9, 16-17, 20, 22-25, 31-32, 37-47 and 50 are cancelled, and claims 5, 15, 18, 19, 48, 49, 7, 8, 10-14, 21, 26-30, and 33-36 are amended. Thus, claims 5, 15, 18, 19, 48, 49, 7, 8, 10-14, 21, 26-30, and 33-36 are currently pending in the application. The applicant's argument, see pages 9-11, with respect to the amended claims are not persuasive, and necessitated the new grounds of rejection presented in this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 26, 27 and 30 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "In another illustrative embodiment of the invention, when the user approaches or touches the control knob 314, without activating the control, a display widget such as a tool tip can instantly be displayed on the display screen and identify the current functionality of the control knob 314. For example, a tool tip may indicate, but is not limited to, one of the following functions 1) tuning for a variety of different applications including audio and video applications; 2) volume control for media applications; 3) volume control for system generated sounds; and 4) control for numerous features which can have multiple settings (e.g., brightness, cropping, color, etc.). In other illustrative embodiments, as a user approaches a control, such as control knob 314, visual feedback may be provided on the actual control knob by an LED or

Art Unit: 2629

LCD alone or in addition to the display widget on the display screen. In still further illustrative embodiments, acoustic or tactile (e.g., vibration) feedback may be provided alone, or in addition to visual feedback on the display screen, input device and/or control, or to each other. Consequently, the input device or control may be able to directly provide feedback (e.g., acoustic feedback) with or without involving or sharing the information with the host computer. In still further exemplary embodiments, one or more portions (e.g., top and side) of the control, such as control knob 314, may be able to independently detect contact or user proximity and generate unique messages for the host computer based on which portion of the control is being touched, see paragraph [0133], does not reasonably provide enablement for “detecting a physical presence proximate to or contact the auxiliary control for a first predefined period without the physical presence causing the auxiliary control to be activated displaying a first display widget on the display screen responsive to said step of detecting, the first display widget providing status information associated with the auxiliary control in the first context, the status information identified only applying to a single active application” as recited in independent claim 26. The claimed limitation does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

This limitation contains various inconsistencies and/or ambiguities so that [the user] “detects a proximity to the auxiliary control without activate, and then ... active application” is unable to work. The software would not be made a product. Where are in the specification and drawings support and show those limitations? How does [the user]

Art Unit: 2629

“detect a proximity to the auxiliary control without activate, and then ... active application ?

3. The limitation of claims 27 and 30 are the same as those of claim 26 and therefore the claim will be rejected using the same rationale.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5, 10, 12-15, 18, 19, 21, 33-35, 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Murai et al (US 5,635,958) hereinafter Murai.

6. As to claim 5, Murai teaches, in the computer system having an auxiliary control and a display screen, the method comprising the steps of:

detecting a physical presence proximate to or contact the auxiliary control [see col. 7, lines 27-28] for a first predefined period [see col. 4, lines 31-32] without the physical presence causing the auxiliary control to be activated [the brightness of a specific icon changes without activate, see Fig. 14, col. 7, lines 28-32];

in a first context, displaying a first display widget on the display screen responsive to said step of detecting the first display widget providing status information associated with the auxiliary control in the first context [the brightness of a specific icon changes, e.g., “translate icon,” see Fig. 15, col. 7, lines 33-39 for further processing in a first context of the physical presence proximity to the input device];

in the second context is different from the first context, displaying a second display widget on the display screen responsive to said detecting, the second display widget providing status information associated with the auxiliary control in the second context [a descriptive statement is displayed, e.g., "translate data in designate area," see Fig. 15, col. 7, lines 33-39 for further processing in a second context of the physical presence proximity to the input device];

As to claim 15, Murai teaches further comprising the steps of detecting absence of the physical presence proximate to or contacting the auxiliary control for a second predefined period while displaying the display widget; and discontinuing display of the display widget, responsive to detecting the absence of the physical presence [see col. 4, lines 31-32, col. 4, lines 45-51].

As to claim 18, Murai teaches wherein the auxiliary control is one of a button or a key [a key of a keyboard, see Fig. 1].

As to claim 19, Murai teaches wherein the physical presence is a hand of a user [a finger is in contact with a key, see col. 7, lines 27-28].

As to claim 48, Murai teaches wherein the first display widget and the second display widget are different [for more details see explanation of claim 5].

As to claim 49, Murai teaches wherein the first display widget is associated with a first application and the second display widget is associated with a second application different from the first application [for more details see explanation of claim 5].

7. Claim 10 shares the same limitations as those of claim 5 and therefore the rationale for rejection will be the same.

8. Claim 12 shares the same limitations as those of claim 5 and therefore the rationale for rejection will be the same.

9. As to claim 13, Murai teaches further comprising the step of placing an identified application in the foreground of the display screen, responsive to a user's selection of the application using the auxiliary control [the "translate" icon is a foreground, for more details see explanation of claim 5].

10. As to claim 14, Murai teaches, in the computer system having an auxiliary control and a display screen, the method comprising the steps of:

detecting a physical presence proximate to or contact the auxiliary control [see col. 7, lines 27-28] for a first predefined period [see col. 4, lines 31-32] without the physical presence causing the auxiliary control to be activated [the brightness of a specific icon changes without activate, see Fig. 14, col. 7, lines 28-32];

displaying a first display widget on the display screen responsive to said step of detecting, the first display widget providing status information associated with the auxiliary control in the first context [the brightness of a specific icon changes, e.g., "translate icon," see Fig. 15, col. 7, lines 33-39 for further providing a status information in each icon of the physical presence proximity to the input device], the status information including a task bar [last descriptive text lines is displayed at the bottom on the screen of Fig. 15].

Claim 21 shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 21 has the added limitation "detecting absence of the physical presence proximate to or contacting the auxiliary control for a

second predefined period while displaying the display widget; determining if a pointer is located within the display widget on the display screen responsive to said step of detecting; and discontinuing display of the display widget when the pointer is not located within the display widget.” Murai further teaches in col. 4, lines 44-51 for further processing best guess before proximity as indicate in the quotation mark above.

11. Claim 33 shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 33 has the added limitation “wherein the status information provides printer status information.” Murai further discloses in Fig. 15 a print icon in which the status information indicates that file.

12. Claim 34 shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 34 has the added limitation “wherein the status information identifies contents of a clipboard.” Murai further discloses in Fig. 15 a copy icon in which a file or an area in memory where cut or copied text and graphics can be temporarily stored before being moved to another location¹.

13. Claim 35 shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 35 has the added limitation “wherein the status information identifies at one of file type.” Murai further discloses in Fig. 15 the file icon for indicating the status information of that file.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

¹ See <http://dictionary.reference.com/search?q=clipboard>

Art Unit: 2629

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai in view of Proehl et al (US 6,118,450) hereinafter Proehl.

16. As to claim 7, Murai teaches all of the claimed limitation except for displaying a display widget on the display screen responsive to detect the input device, the display widget providing status information identifying at least one of track name, track time remaining, track length, album title and album length in multimedia application.

However, Proehl teaches a related A/V interface which includes displaying the graphic 170 (a display widget, fig. 4, col. 7, line 65) which is detecting by input device 180 (col. 7, line 61); the graphic 170 displays the status information (status bar 320, fig. 4) identifying at least one of track name 446, track time remaining 448, and album tile 447 (col. 8, lines 5-8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the on-screen audio system interface as taught by Proehl in the graphical user interface as taught by Murai in order to achieve the benefit of intend to control the display of Proehl, because this would provide a user to view and manipulate information in order to select a particular recording medium for playing, or to perform various other operations (see Proehl's abstract).

17. As to claim 8, Proehl teaches enhanced graphic display 170 (more details see fig. 3, col. 4, line 45-49) that includes a CD view 340, media collection 360, and system view 350 directly displaying in the display control panel.

Art Unit: 2629

18. Claims 11, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai in view of Yamaguchi et al (US 6,710,771) hereinafter Yamaguchi.

As to claim 11, Murai teaches all of the claimed limitation of claim 10, except wherein the first auxiliary control is a headset or a microphone. However, Yamaguchi teaches a microphone 66 (see fig. 12). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the cooperation of the microphone as taught by Yamaguchi with the input device of Murai in order to achieve the benefit of provide extra input audio signals to the computer system for the user.

As to claim 28, claim 28 shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 28 has the added limitation "wherein the status information is messaging related information."

However, Yamaguchi teaches this causes auxiliary control (the jog dial state) monitor program 54c to start the auto-pilot program 54B at step S26 to automatic retrieve an messaging related information (E-mail) by e.g., the E-mail program 54A, see Fig. 31, col. 18, lines 1-3.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the internet application, e.g., the email program display as taught by Yamaguchi in the graphical user interface as taught by Murai in order to achieve the benefit of intend to control the display of Yamaguchi, because this would meet the demand of the user to see Email instantly in the computer system, and

meet the demand of the user to start the desired application instantly (see Yamaguchi, col. 17, lines 35-42).

As to claim 29, Yamaguchi teaches wherein the status information includes one of the numbers of new or unread regular messages [if there is such oncoming mail, a flag indicating the presence of the oncoming mail, the program moves to step S96 to set a flag indicating the presence of the oncoming mail to terminate the E-mail program, see Fig. 32, col. 18, lines 10-20].

19. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murai in view of Sumikawa (US 6,040,817).

Claim 36 shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 36 has the added limitation “wherein the auxiliary control is a key representing a mathematical operator, and in a spreadsheet application, the status information identifies the result if the mathematical operator is applied to data in a spreadsheet.”

However, Sumikawa teaches a computer display screen which displays contents of a window for spreadsheet, see Fig. 2, col. 16-19, in this state, an auxiliary input window 45 appears to the lower left of the cursor 13, which controls the display position of the auxiliary input window, see Fig. 4, col. 3, lines 48-51.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the spreadsheet application, e.g., the mathematical operator as taught by Sumikawa in the graphical user interface as taught by Murai in order to achieve the benefit of intend to control the display of Sumikawa, because this

Art Unit: 2629

would improve the operating efficiency of a cursor with respect to a window (see Sumikawa, col. 1, lines 15-17).

Response to Arguments

20. Applicant's arguments filed 03/29/2006 have been fully considered but they are not persuasive. Applicant argues features in the amended claims 5, 7, 10, 12, 14, 21, 26-28, 30 and 33-36 that are newly recited. Thus, new grounds of rejection have been moot. See rejections above. For these reasons, the rejections have been maintained.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2629

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMN
June 1, 2006

Kevin M. Nguyen
Patent Examiner
Art Unit 2629

A handwritten signature in black ink, appearing to read 'R. Hjerpe', is positioned above the printed name of the supervisor.

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600